

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**PLAINTIFF'S FIRST AMENDED
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR
JURY TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below,
incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of
consortium claim:

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian,
conservator):

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
at the time of implant:

1 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence
2 at the time of injury:

3 _____

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 _____

6 7. District Court and Division in which venue would be proper absent direct
7 filing:

8 _____

9 _____

10 8. Defendants (check Defendants against whom Complaint is made):

11 ☐ C.R. Bard Inc.

12 ☐ Bard Peripheral Vascular, Inc.

13 9. Basis of Jurisdiction:

14 ☐ Diversity of Citizenship

15 ☐ Other: _____

16 a. Other allegations of jurisdiction and venue not expressed in Master
17 Complaint:

18 _____

19 _____

20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
21 a claim (Check applicable Inferior Vena Cava Filter(s)):

22 ☐ Recovery[®] Vena Cava Filter

- 1 ☐ G2[®] Vena Cava Filter
- 2 ☐ G2[®] Express Vena Cava Filter
- 3 ☐ G2[®] X Vena Cava Filter
- 4 ☐ Eclipse[®] Vena Cava Filter
- 5 ☐ Meridian[®] Vena Cava Filter
- 6 ☐ Denali[®] Vena Cava Filter
- 7 ☐ Other: _____

8 11. Date of Implantation as to each product:

9 _____

10 _____

- 11 12. Counts in the Master Complaint brought by Plaintiff(s):
- 12 ☐ Count I: Strict Products Liability – Manufacturing Defect
- 13 ☐ Count II: Strict Products Liability – Information Defect (Failure
- 14 to Warn)
- 15 ☐ Count III: Strict Products Liability – Design Defect
- 16 ☐ Count IV: Negligence – Design
- 17 ☐ Count V: Negligence – Manufacture
- 18 ☐ Count VI: Negligence – Failure to Recall/Retrofit
- 19 ☐ Count VII: Negligence – Failure to Warn
- 20 ☐ Count VIII: Negligent Misrepresentation
- 21 ☐ Count IX: Negligence *Per Se*
- 22 ☐ Count X: Breach of Express Warranty

- ☐ Count XI: Breach of Implied Warranty
- ☐ Count XII: Fraudulent Misrepresentation
- ☐ Count XIII: Fraudulent Concealment
- ☐ Count XIV: Violations of Applicable State Law Prohibiting
Consumer Fraud and Unfair and Deceptive Trade Practices
- ☐ Count XV: Loss of Consortium
- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☐ Punitive Damages

13. Jury Trial demanded for issues so triable?

- ☐ Yes
- ☐ No

RESPECTFULLY SUBMITTED this ____ day of _____, _____.

**BLASINGAME, BURCH, GARRARD &
ASHLEY, P.C.**

/s/ Henry G. Garrard, III

Henry G. Garrard, III, Georgia Bar No. 286300
440 College Avenue
Post Office Box 832
Athens, GA 30603
(706) 354-4000

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of _____, _____, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Henry G. Garrard, III